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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FOUR

MARIA HRISTOPOULOS,

Respondent,

v.

NICK GIANNARIS,

Appellant.

A154077, A154773

(San Mateo County
Super. Ct. No. FAF0119610)

We are familiar with the background of this family law case through our review of two prior consolidated appeals. (*Hristopoulos v. Giannaris*, A152099, A152239, filed Jan. 28, 2019.) Nick Giannaris (Father) again appeals orders of the trial court. In case No. A154773, he challenges an order denying him increased visitation with the child he shares with respondent Maria Hristopoulos (Mother). In case No. A152077, he challenges the denial of his request to have this action designated complex and assigned to a single judicial officer. We shall affirm the orders.

THE APPEALS

A. Visitation

Father and Mother have one child, who lives with Mother. Father's residence has not been stable; at times, he has lived in the Bay Area, at times in Southern California, and at times in Greece. He does not currently have physical contact with the child.

On March 19, 2018, Father filed a request for a change to the current visitation order. In it, he explained that the court had entered an order on February 26, 2018 granting him weekly 30-minute telephone calls or Skype conversations with the child. He asked the court to modify the order to allow him to pick the child up from school twice a week, to have a full day with the child on Sundays, to have a schedule for holidays and Father's Day when he was in the Bay Area, and to have increased Skype visits when he was away from the Bay Area. He sought equal access to the child's medical and other records, to be designated as a contact person at the child's school, and to be authorized to consent to emergency medical treatment. He also asked to have a "Brief Focused Assessment" (BFA) to update a previously conducted custody evaluation, as recommended by a therapist.

The hearing on Father's request took place on May 11, 2018. The court noted that the relief Father sought was identical to relief he had requested in September 2017, on which the court ruled on February 26, 2018. At the February 26 hearing on Father's prior request, the trial court had explained it was denying the request for in-person visitation because of Father's long-standing pattern of leaving California without warning for extended periods, which had caused previous visitation schedules to "fall[] apart." He had not seen the child in person since August 2016. In light of the "inconsistency in [Father's] physical presence" in the child's life, the court concluded that physical visitation would not be in the child's best interest until Father had established consistent residence in the Bay Area, and that a BFA was unnecessary.

At the May 11, 2018 hearing on the request at issue in case no. A154773, the court noted that Father brought the current request only three weeks after his previous request was denied, that he did not present any new evidence to show physical visitation was in the child's best interest, and that there was evidence Father had begun to appear unannounced at the child's school, which the court stated was an inappropriate way to reintroduce physical contact. The court also concluded that, when Father participated in anger management therapy, he did not gain adequate insight into the impact of his behavior on the child. The court concluded no new child custody evaluation or BFA was

necessary because Father’s behavior was the same as he had shown at the time of a prior private child custody evaluation, conducted in 2014. The court therefore denied Father’s request to change visitation and to have a new BFA.¹

We review the court’s ruling on custody and visitation rights for abuse of discretion, and we do not disturb the court’s determination in the absence of a manifest showing of abuse of discretion. (*In re Marriage of Murga* (1980) 103 Cal.App.3d 498, 504.)

On appeal, Father contends the trial court was biased against him and did not act in the child’s best interest. He has failed to meet his burden to show the court abused its discretion. His legal argument is devoid of citation to authority. (See *Horowitz v. Noble* (1978) 79 Cal.App.3d 120, 139 [in absence of legal argument with citation to authority, we may treat point as waived].) In any event, Father makes no effort to grapple with the trial court’s reasoning in denying his request for in-person visitation during the February 26, 2018 hearing, which the court expressly discussed during the May 11, 2018 hearing on the current request. Nor does he show that, in the interim, he addressed the concerns that led the court to deny his request for increased visitation. We must reject Father’s arguments.

Although Father has not met his burden to show a manifest abuse of discretion, we emphasize that the Legislature has declared a public policy “to ensure that children have frequent and continuing contact with *both parents* after the parents have . . . ended their relationship.” (Fam. Code, § 3020, subd. (b), *italics added*.) At oral argument on June 11, 2019, Father represented to us that he is currently living in the United States, that he is employed, and that he has had no in-person contact with the child since 2016. Nothing in this opinion prevents Father from seeking a change in visitation based on changed circumstances.

¹ Father filed his notice of appeal from the May 11, 2018 order on July 3, 2018. The trial court entered the findings and orders after the May 11, 2018 hearing on July 9, 2018. (Cal. Rules of Court, rule 8.104(d) & (e) [notice of appeal filed after appealable order is rendered but before it is entered is valid].) We shall refer to the order on appeal as the May 11, 2018 order.

Father also contends the trial court deprived him of due process by refusing to consider “add-on” child support obligations when he raised the issue at the May 11, 2018 hearing. In his request to modify visitation, Father checked a box indicating he was also seeking an “[o]ther” order, namely “[a]dd-ons.” However, his supporting papers included no arguments about his child support obligations. Father provides no authority indicating the trial court was required to consider the issue of add-ons in these circumstances, when Father’s moving papers lacked either argument or evidence regarding the issue. We see no error or abuse of discretion in the trial court’s ruling.

B. Complex Case Designation

California Rules of Court, rule 3.400(a) defines a “complex case” as “an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.” In determining whether a case is complex, the court must consider whether it is likely to involve numerous pretrial motions raising difficult or novel legal issues; a large number of witnesses or substantial documentary evidence; a large number of separately represented parties; coordination with related actions pending in other courts; or substantial postjudgment judicial supervision. (Cal. Rules of Court, rule 3.400(b).) For example, cases involving antitrust claims, construction defect claims, toxic torts involving many parties, and class actions are provisionally treated as complex cases. (*Id.*, rule 3.400(c).)

The local rules of the San Mateo County Superior Court authorize the presiding judge to decide whether an action is complex within the meaning of California Rules of Court, rule 3.400(a) and whether it should be assigned to a single judge for all purposes. (Super. Ct. San Mateo County, Local Rules, rule 2.30(A).) They also provide that, “in his or her sole discretion, the Presiding Judge may make the decision on complex case designation and single assignment, without a status conference, based upon the filed Civil Case Cover Sheet and accompanying Certificate Re: Complex Case Designation alone.” (*Id.*, rule 2.30(E).)

On January 12, 2018, Father filed a request for an order designating this action as complex and assigning a single judicial officer. In support of his motion, he pointed to a number of pending motions in the trial court and his then-pending appeals in this action, two pending cases in Greece regarding visitation, and a pending action in Santa Clara County against Mother's attorney. The trial court denied the motion on March 26, 2018, relying on Local Rule 2.30(E) and stating, "The Court having reviewed the Civil Case Cover Sheet and accompanying Certificate Re: Complex Case Designation, [¶] IT IS HEREBY ORDERED that pursuant to California Rule of Court 3.400 and San Mateo County Local Rule 2.30, Respondent's request for complex designation and single assignment is denied."

Father contends this ruling was an abuse of discretion. He argues the trial court acted improperly in looking only to the civil case cover sheet and accompanying certificate, apparently filed in 2012. He also contends that this case requires substantial post-judgment supervision and that the lack of judicial continuity prejudices him as the court determines his financial obligations and his right to visit with his child. He points to actions he and his mother brought in his native country, Greece, regarding visitation. And he argues that the multiple motions in this case raise novel issues and involve substantial documentary evidence.

Father does not persuade us that the trial court abused its discretion in denying his request for complex designation and assignment to a single judge. There is no basis to conclude the trial court did not consider the relevant factors, or that it acted outside the bounds of reason in concluding that this family law case, which involves one family and raises issues of custody and child support, requires "exceptional judicial management" (Cal. Rules of Court, rule 3.400(a)) beyond the resources of the County's ordinary case management procedures.

To the extent Father's opening brief raises issues beyond the scope of the two orders under appeal, we do not consider them.

DISPOSITION

The March 26, 2018 and May 11, 2018 orders are affirmed.

TUCHER, J.

WE CONCUR:

POLLAK, P. J.

STREETER, J.